IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 7890 of 2007(L)

PETITIONER:

U.K.ANTONY, S/O.OOKKAN KOCHU VARID,
OOKKEN HOUSE, MANAVASSERY, MUKUNDAPURAM.

BY ADV. SMT.S.MUMTAZ

RESPONDENTS:

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1. THE JOINT REGISTRAR (GENERAL),
OFFICE OF THE ASST.REGISTRAR OF CO-OPERATIVE SOCIETIES, TRICHUR.

2. TOWN CO-OPERATIVE BANK,
IRINJALAKKUDA BRANCH, REPRESENTED BY THE SECRETARY, TRISSUR.

3. SALE OFFICER,
IRINJALAKKUDA TOWN CO-OPERATIVE BANK,
IRINJALAKKUDA.

BY ADV. SRI.N.P.SAMUEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 7890/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 6.2.2007.

EXT. P2 : TRUE COPY OF THE REQUEST LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 12.2.2007.

RESPONDENTS' EXTS:

EXT. R2 (a) : PHOTO COPY OF THE AWARD NO.5483/05 DATED 28.10.2005 ISSUED BY ARBITRATOR-CUM-SALE OFFICER.

EXT. R2(b) : PHOTO COPYOF EXECUTION PETITION NO.61 IN ARC. 5483/05 FILED BY BANK ON 5.1.2006.

EXT. R2 (c) : PHOTO COPY OF DEMND NOTICE NO.61/06 DTD. 30.1.2006 ISSUED BY SPECIAL SALE OFFICER.

EXT. R2 (d) : PHOTO COPY OF NOTICE ISSUED IN FORM 6 ON 8.6.2006 BY THE SALE OFFICER.

EXT. R2 (e) : PHOTO COPY OFTHE SALE NOTICE ISSUED BY THE ARBITRATOR-CUM-SALE OFFICER ON 6.2.2007 TO THE PETITIONER.

EXT. R2(f) : PHOTO COPY OF ACKNOWLEDGMENT RECEIPT DATED 7.12.2005.

K.M.JOSEPH, J.

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WP.(C) No. 7890 of 2007

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Dated this the 14th day of September, 2007

JUDGMENT

Petitioner availed a loan in the year 2002. It was not repaid. He challenged recovery proceedings and seeks orders on Ext.P2 and direction to issue statement of account of the loan transaction.

2. Heard Sri. N.P.Samuel appearing for the second respondent also. Petitioner seeks instalment facility.

The writ petition is disposed of directing the petitioner to pay off the amount due with interest in five equal monthly instalments. The second respondent will serve a statement on the petitioner within two weeks from today showing the exact amount of instalment on the basis of this judgment. The first instalment shall be paid on or before 15.10.2007. The further instalments are to be paid on or before the 15th of the succeeding months. If any instalment is not paid, the petitioner will lose the benefit of this judgment and it shall be open to the respondent Bank to proceed against the petitioner in accordance with law.

(K.M. JOSEPH, JUDGE)

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